

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, February 27, 2014**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Lisa Standley, Paul Alpert, Janet Carter Bernardo (@8:15), Artie Crocker, Stephen Farr, Peter Oehlkers, Matt Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Mark Cooperman, EcoTerra Design & Consulting, LLC

L. Standley opened the public meeting at 7:40 p.m.

MINUTES

Motion to approve the Minutes of January 23, 2014 (as amended) by P. Alpert, seconded by S. Farr, approved 5-0-0.

Motion to approve the Minutes of January 23, 2014 (as amended) by P. Alpert, seconded by S. Farr, approved 5-0-0.

ENFORCEMENT & VIOLATION UPDATES

130 SOUTH STREET

M. Varrell stated that Lana Sokolove had requested a Hearing at the Dedham District Court to appeal her \$1,400 Enforcement fine, unbeknownst to the Town. As a result, no one appeared at the Hearing to represent the Town and the fine was dismissed. M. Varrell explained that Town Counsel, David Tobin, had drafted and sent a letter to Ms. Sokolove regarding her outstanding Enforcement Order. M. Varrell subsequently spoke with Ms. Sokolove and drafted a letter to her stating that she has until March 27, 2014 to file a Notice of Intent application (including a restoration plan) with the Conservation Commission, per the Enforcement Order, in order to obtain an after-the-fact Order of Conditions. M. Varrell explained that Attorney Tobin told him there were other possible avenues to attempt to collect outstanding fines and he would be happy to speak to the Commission if they would like. P. Alpert explained that the other avenues can be cost prohibitive. M. Varrell stated that the Town Clerk would be scheduling a meeting with Town staff to discuss mechanisms the Town can use to collect unpaid fines.

HEARINGS

450 SOUTH STREET (DEP FILE #234-699) – NOTICE OF INTENT

Due to the weather-related cancellation of the scheduled February 13, 2014 Conservation Commission Meeting (without notification to abutters), this hearing will not take place but will be re-advertised for the March 13, 2014 Meeting.

471-465 GROVE STREET (DEP FILE #234-700) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:05 pm. Mark Cooperman represented the Applicant and addressed the Commission. M. Cooperman explained that the proposed project involves tree and invasive species removal from the top and sides of the earthen dam at the south end of Sabrina Lake. The Applicant resides at 471 Grove Street and has purchased 465 Grove Street to keep as green space, possibly adding an arboretum at some point. The property owner purchased the dam with the property. Historically, the dam has never been maintained although the Office of Dam Safety requires there be no woody vegetation within 20-feet of a dam. M. Cooperman noted that the resources were flagged as Bordering Vegetated Wetlands and Bank of Sabrina Lake. The majority of the trees proposed for removal is on the dam and are shown on the Plan supplement. In total, the applicant proposes to remove twenty trees, primarily red maple. The applicant also proposes to remove invasive shrubs on the dam, including barberry, winged euonymus and buckthorn. Several large red maples located along the lake on the 465 Grove Street are proposed to be pruned and cabled. M. Cooperman noted that the dam management project could be designated a Limited Project under the WPA regulations.

M. Cooperman explained that the woody vegetation never should have been allowed to grow on the dam and that the project will benefit the public through removal of invasive plant species and as well as public safety. The work is proposed to take place during frozen conditions (or would use plywood mats) and the trees would be flush cut with no stumps removed. Maintenance of the dam after the project would be accomplished by mowing. L. Standley asked if they planned to paint the cut stumps of the invasives with herbicide to prevent re-growth. M. Cooperman replied that they had not planned on painting the stumps and hoped the mowing would help prevent regrowth of the woody vegetation and encourage growth of herbaceous cover. L. Standley inquired about the proposed mowing frequency. M. Cooperman stated mowing would occur weekly. L. Standley suggested annual mowing on the slopes of the dam would be preferable to maintaining the banks as lawn, in order to maintain wildlife habitat and cover.

L. Standley noted that the proposed work requires a waiver under the Bylaw regulations for work in the resource areas. M. Cooperman explained that the project would meet a public interest in protecting Sabrina Lake and downstream properties, that there are no alternatives to the proposed tree removal, the alteration has been minimized through timing of the removals, and compensation or mitigation measures would be met through invasive species removal. L. Standley questioned the lack of proposed tree replacements. M. Cooperman explained that due to the necessity of the project and its Limited Project status, the Applicant is requesting relief from the tree planting guidelines. P. Alpert inquired as to how many trees would be removed. M. Cooperman replied that 20 trees total would be removed and of the 20 trees, 4 are black cherries that are dying. P. Alpert said that the Commission would not require the Applicant to install 40 replacement trees per the Tree Removal Guidelines but suggested that the owner could plant some trees in the buffer zone on the vacant lot to replace the lost wildlife habitat values. M. Cooperman explained that the homeowner would be putting together a master planting plan for the vacant lot that would provide plenty of tree cover but would not want the Commission to dictate the species. M. Cooperman asked whether the Commission would consider credit through installation of larger caliper trees or perhaps allow credit for high value shrub plantings. The Commission stated that they have discretionary ability to condition tree replacement requirements but that replacement must be located within the 100-foot buffer zone. M. Varrell

noted a wood duck box is currently installed on the dam and suggested that it be relocated as part of the project.

Motion to close the public hearing for 471-465 Grove Street (DEP FILE # 234-700) by P. Alpert, seconded by S. Farr, approved 6-0-0. Motion to issue an Order of Conditions for 471-465 Grove Street (DEP File #234-700), as amended, by P. Alpert, seconded by S. Farr, approved 6-0-0.

470/500 SOUTH STREET (DEP FILE # 234-698) – ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION

The Applicant requested a continuance to the March 27, 2014 meeting.

Motion to continue the public hearing for 470/500 South Street (DEP File #234-698) until March 27, 2014 at 7:45 pm by P. Alpert, seconded by S. Farr, approved 6-0-0.

OTHER BUSINESS

0 CHARLES RIVER STREET (NGWP #12) – RATIFICATION OF MINOR MODIFICATION

L. Standley explained that the Applicant had requested a minor modification to move utility poles in the early spring. She noted that the Commission had previously prohibited work taking place after February 15, 2014 in order to protect vernal pool habitat. The Applicant had previously requested a minor modification to allow work after February 15, 2014, and the Commission had approved the minor modification to allow work after February 15, 2014 as long as the work zone is free of impediments to amphibian movement. M. Varrell and L. Standley had discussed the request and found it to be consistent with previous approvals. M. Varrell drafted a minor modification approval letter which includes the previously approved minor modification allowing work after February 15, 2014 as long as the work zone is free of impediments to amphibians. P. Alpert noted that he had spoken to Roy Cramer (attorney for the applicant) about the request and R. Cramer explained that the area where the utility poles are to be moved is within the area already cleared for the road.

Motion to accept the change in location of the utility poles after February 15, 2014 as a minor modification to the Order of Conditions not requiring an amendment, by P. Alpert, seconded by S. Farr, approved 5-0-0.

YEARLY OPERATIONAL PLAN – DCR – DIVISION OF URBAN PARKS

L. Standley explained that DCR had submitted their yearly operating plan. The Commission has no action to take. She noted that DCR planned to use herbicides to control nuisance vegetation.

FACILITIES WORKING GROUP – DISCUSSION

L. Standley asked A. Crocker if there were any Facilities Working Group updates. A. Crocker replied that he had no updates. He added that there was a meeting scheduled to talk in a smaller group about the Nike Site and Ridge Hill. M. Varrell noted the meeting was rescheduled to March 13, 2014. P. Alpert stated he hopes to attend the meeting.

MINOR ACTIVITY EXEMPTION REQUEST – 1407 CENTRAL STREET

The Commission discussed a request from the Town of Needham Public Facilities Department for a Minor Activity Exemption for the installation of a groundwater monitoring well within the

100-foot Buffer Zone at 1407 Central Street (the Recycling and Transfer Station). The proposed well is within previously disturbed portions of the site and is necessary for compliance with the Massachusetts Contingency Plan (310 CMR 40.0000). The Commission approved the Exemption under the Bylaw and the WPA.

MINOR ACTIVITY EXEMPTION POLICY DISCUSSION

M. Varrell explained that, currently, applicants must come before the Conservation Commission for approval of Minor Activity Exemptions. He asked whether, in order to expedite approval, the Commission would be comfortable with the Conservation Director reviewing the Minor Activity Exemption requests and approving standard, non-complex requests without a vote from the Commission. The Commission discussed the merits of this potential Policy change and agreed with M. Varrell's request as long as more complex or questionable requests come before the Commission. The Commission also requested that they receive a report on any Minor Activity Exemptions approved by the Conservation Director at each meeting.

ALGONQUIN GAS – ENVIRONMENTAL NOTIFICATION FORM

L. Standley said that the Commission had received a copy of an Environmental Notification Form filed by Algonquin Gas for work at the Charles River Street station. L. Standley recused herself from the discussion. M. Varrell explained that the ENF stated that no wetland resources were located within 100 feet of the proposed work. M. Varrell had drafted a comment letter to the MEPA office stating that the project site is close to a Certified Vernal Pool, which is under the jurisdiction of the Conservation Commission and that proposed work may require the filing of a permit application. P. Alpert reviewed the draft letter and directed M. Varrell to submit it with no changes.

NEEDHAM MEWS PROJECT – ENVIRONMENTAL NOTIFICATION FORM

M. Varrell noted that the Commission had received a copy of an ENF regarding the Needham Mews project. He had no comments regarding the ENF as no work is proposed within jurisdiction of the Conservation Commission. The Commission agreed no comment letter is warranted.

CRWA ANNUAL CHARLES RIVER CLEANUP

M. Varrell described a request that had been received by the Conservation Department from the Charles River Watershed Association. The CRWA was requesting support of their 15th Annual Earth Day Charles River Cleanup scheduled for April 26th. The Commission agreed that it was appropriate for the support to be offered in the form of listing the event on the Conservation Commission web site.

Motion to adjourn at 9:00 p.m. by P. Alpert, seconded by S. Farr, approved 6-0-0.

NEXT PUBLIC HEARING

March 13, 2014 at 7:30 PM in the Public Service Administration Building, Charles River Room